

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DAVID FRANK, individually and on behalf of
all others similarly situated,

Plaintiff,

– against –

TRILEGIANT CORPORATION, INC.,
AFFINION GROUP, LLC, 1-800-
FLOWERS.COM, INC., and CHASE BANK
USA, N.A.,

Defendants.

10-CV-5211 (DRH)(ARL)

NOTICE OF VOLUNTARY DISMISSAL

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff David Frank hereby gives notice that the above-captioned action is voluntarily dismissed without prejudice against Defendants Trilegiant Corporation, Inc., Affinion Group, LLC, and 1-800-Flowers.com, Inc. Defendants have not served an answer or motion for summary judgment. This dismissal is without prejudice and without costs or fees to any party.

Dated: December 23, 2011

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